United Nations CAT/C/SR.1626

# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Committee against Torture**
**Sixty-third session**

**Summary record of the 1626th meeting***
Held at the Palais Wilson, Geneva, on Monday, 30 April 2018, at 3 p.m.

*Chair*: Mr. Heller Rouassant (Vice-Chair)

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Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

*Fifth periodic report of Belarus* (*continued*)

* No summary record was issued for the 1625th meeting.

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*In the absence of Mr. Modvig, Mr. Heller Rouassant, Vice-Chair, took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** (*continued*)

*Fifth periodic report of Belarus* (*continued*)

1. *At the invitation of the Chair, the delegation of Belarus took places at the Committee table.*

2. **Mr. Ambrazevich** (Belarus) said that torture had recently been the subject of public debate in Belarus. Thematic expert consultations on interaction with the treaty bodies had been held in Minsk on 20 April 2018 at the instigation of the Ministry of Foreign Affairs, in partnership with the United Nations Development Programme (UNDP). The consultations had included a discussion on reporting to the Committee against Torture. The event had been attended by a variety of players, including civil society and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Public consultations on human rights had become common practice in Belarus, in particular under the National Human Rights Action Plan for 2016–2020. In June 2018, a series of training sessions on reporting to human rights bodies was planned for representatives of the State authorities in collaboration with OHCHR.

3. Turning to the questions raised about the deaths of soldiers in the army, he pointed out that the recent press conferences held by the Ministry of Defence and the Investigative Committee following the completion of the initial investigations into the death of Alyaksandr Korzhych bore witness to the Government's openness and willingness to engage in dialogue with Belarusian society. Belarus would not tolerate torture or ill-treatment in any sphere, including in the military. The armed forces had seen a declining trend in the death and suicide rates of serving officers since 2005. There were seven deaths of members of the armed forces unrelated to the performance of their duties in 2017. The delegation could supply the Committee with the related disaggregated statistics. The deaths of service personnel were widely and rigorously investigated by the Investigative Committee, the Office of the Procurator and the Ministry of Defense. In the case of Mr. Korzhych, the Committee had brought charges against three sergeants under a number of articles of the Criminal Code. As a result of an internal investigation by the Ministry, several officers in Mr. Korzhych's unit and others had been suspended or discharged. The Investigative Committee twice opened criminal proceedings in the case of Artem Bastyuk's suicide, but the allegations of bullying and ill-treatment on the part of superior officers had not been substantiated, and the proceedings had been dropped for lack of evidence. As the Ministry of Defence and law enforcement authorities had emphasized on a number of occasions, the deaths of service personnel were not systematic in nature: each of the deaths in question were isolated cases. The Ministry had tightened its procedures and instigated preventive measures to ensure that crime did not go unpunished and that violations of human rights were investigated fully.

4. **Ms. Baturytskaya** (Belarus), responding to the Committee's questions regarding the State prison system, stated that Belarus' law was founded on legality, humanism, democracy and equality of treatment of convicted persons before the law, among other principles. Retribution played no part in the system. There were currently 290 persons deprived of liberty per 100,000 inhabitants; the data cited by Ms. Racu were outdated. There were 49 persons per 100,000 inhabitants held in custody in temporary holding facilities. The occupancy level of prison facilities currently stood at 95 per cent of official capacity, young offenders' institutions at 53 per cent and temporary holding facilities at 84 per cent. Four amnesty laws had been passed since 2010, freeing more than 9,000 convicts from prison; 17,000 had seen their sentences reduced by 1 year. There had been an 11 per cent reduction in the number of detainees. Specific measures, including non-custodial forms of punishment, had been introduced for minors, halving the number of minors in detention. Two young offenders' institutions had accordingly become redundant and were now closed. Overcrowding at the Minsk No. 1 detention centre had been due to the closure of one building, which was in poor condition. The prisoners had been moved to a nearby prison

and a new detention centre was under construction in Minsk. Overcrowding had not been a problem at detention centre No. 1 since 2012.

5. The Penalties Enforcement Code of Belarus set out strict accommodation and health standards for prisons and other places of detention. All persons held in custody under the penal system had access to legal safeguards from the moment of their detention. All were immediately registered and entered into the single State databank. Failure to register a prisoner had resulted in legal action against prison employees. Prisoners on remand or under sentence had the right to have contact with lawyers and with members of their family. They also had the right to meet with counsel in private, without restriction as to the duration or number of meetings. Those rights, and the relevant procedures, were set out in the Penalties Enforcement Code. Legal services could not be imposed on a prisoner without his or her express consent. Nevertheless, prisoners must submit a written request for meetings with their legal representatives.

6. The Ministry of Health of Belarus established procedures for providing medical or psychiatric care to convicted prisoners or those in custody. Persons at detention centres were checked for tuberculosis and X-rayed immediately on arrival and thereafter at six-monthly intervals. Persons with diseases were treated at the on-site hospital facilities. Medical examinations were carried out by persons of the same sex as the detainee. Detainees were held in quarantine for two weeks on arrival at detention centres before undergoing a full medical examination by specialized doctors. The prison system as a whole had a medical staff numbering 791 persons. Fifty-five psychiatric doctors were distributed throughout the system. Vulnerable groups, including persons with disabilities or chronic diseases, could receive additional medication and care packages and had higher living and dietary standards. Psychologists examined prisoners within seven days of their arrival to assess their psychological state and establish whether there was a risk of suicide. Evidence of self-harm was also investigated. Individual monthly psychological follow-up was provided. All prisons were equipped with mental health centres, which ran therapeutic group sessions. Programmes to stabilize aggression, combat suicidal tendencies and to deal with drug or alcohol addiction were also provided. Where there were requests for medical assistance or signs of violence or injury, the medical personnel forwarded the key information to the relevant local authorities, which remained independent of the penal system. The Ministry of Health was actively involved in efforts to reduce mortality arising from HIV/AIDS and tuberculosis. The penal system also worked with humanitarian non-governmental organizations in that area.

7. Prisoners had the right to make representations in writing to the authorities or voluntary associations, by placing them in sealed envelopes in mailboxes made available in all facilities. Such representations were not seen by the prison staff and were sent uncensored to the addressee within one day. Suicides, deaths and cases of physical harm were subject to a mandatory medical review. The relevant prison administration and the Investigative Committee, which was independent of the Ministry of Internal Affairs, conducted a full investigation into such incidents, and criminal proceedings were brought when there was evidence tending to show that an offence had been committed. If a decision was made not to institute such proceedings, that decision was submitted to the procurator's office without fail for the purpose of scrutinizing its lawfulness. Prison staff implicated in criminal cases could be suspended from their functions. Procurators had the right to enter any prison or other place of detention without hindrance to speak with prisoners in private.

8. The Ministry of Internal Affairs included an academy for training and retraining prison staff. Advanced training courses took place for employees every four years. Numerous psychiatric and medical staff members had undertaken retraining activities at the academy and elsewhere in 2017 and 2018. The Ministry of Health also held regular conferences and short-term training sessions providing updates on treatment methods to substance abuse professionals.

9. Education services were available to prisoners and over 150 were currently receiving a higher education through distance learning. Vocational training was provided to over 3,100 prisoners in 2016 and 2017 in specialities currently in demand. Particular emphasis was placed on vocational training of minors.

10. Voluntary associations were involved in monitoring the institutions responsible for enforcing criminal penalties. In 2017, 22 facilities had been visited by such associations. The inspections had revealed no anomalies and, in particular, no evidence of violence against or torture of prisoners. Concerning the questions raised about living conditions, all prisoners were provided with individual beds, clothing, bedding and blankets and adequate and healthy food rations. Much renovation, repair and upgrading work had recently been carried out to improve prisoners' living conditions in a number of places of detention.

11. **Ms. Bohdan** (Belarus) said that she would describe the practical implementation of the various acts that provided for access to medical care for the population of Belarus and likewise for convicted prisoners and persons in police custody. The list of indications for hospitalization was more extensive for prisoners than for the general public. The ratio of doctors to patients in the penal system was three times higher than in the population at large. The skills of therapists in many fields of specialization, whether psychiatrists, psychologists, endocrinologists, entomologists, ear, nose and throat specialists or ophthalmologists, were being upgraded. Medical check-ups were available for the entire population, including persons in prison. The national influenza vaccination programme covered around 45 per cent of the general population annually, but 70 per cent of prison inmates. Death rates from influenza in prison were lower than among the public. Special measures had been taken at national level to tackle suicide. The rate had fallen to 19 suicides per 100,000 persons and it was noteworthy that the rate was lower in places of detention.

12. A third party could be present during medical examinations in prisons, but normally such examinations were one on one. Outpatient clinics were also available to prisoners. In certain cases, medical workers were not granted access to inmates, for example, where that might prove dangerous. Prisoners were required to sign up for medical care, but urgent medical attention was available on a 24-hour basis by simple verbal request. Prisoners had the right to refuse any medical treatment offered them. From 2016 to 2018, new protocols had been introduced, based on recommendations of the World Health Organization (WHO), to facilitate access to medical care for those living with HIV or suffering from tuberculosis. The patient's informed consent to treatment was required. A State programme had been established to stem the spread of HIV and TB. Medicine was purchased with support from the Global Fund to Fight AIDS, Tuberculosis and Malaria and Médecins sans frontières (MSF).

13. Close cooperation with international non-governmental organizations had made it possible for the Ministry of Health to use the new generic first- and second-line treatments and increase access to modern medicine. Special training was being provided to doctors in the diagnosis and treatment of HIV. As of August 2017 a training programme had been established for doctors working in penal establishments to improve their knowledge of HIV treatment. Collaboration with MSF had also made possible the use of modern anti-tuberculosis drugs, including delamanid and bedaquiline. Information regarding the use of those drugs was shared with the medical establishment outside the prisons to allow the patients to continue their treatment on release. Protocols established under the Ministry of Health were followed in all treatment given within prisons.

14. In order to remove the stigma carried by persons with mental illnesses, they were kept with the general prison population whenever possible. The prison system employed one psychiatrist per 1,000 inmates, and all inmates suffering from psychiatric disorders received regular mental health check-ups.

15. Ministry of Health protocols were in place for all treatment administered within prisons. Requests for medical examinations submitted by detained persons or their lawyers were reviewed within 24 hours. Patients were provided with all the prescription medication they required; such medicines were kept by medical personnel or prison staff. Infectious diseases were quickly diagnosed and always documented. In cases where emergency care was required, the Ministry of Health was informed and the individual concerned was transferred to a psychiatric or hospital ward.

16. Individuals who presented with signs of physical harm were entitled to undergo an examination in a specially equipped medical facility in the presence of officials of the same sex as the patient. Provisions were in place for the ensuing medical report to be submitted

to the courts. Where harm had been occasioned by the use of force or weapons, the Office of the Procurator General was informed, and urgent medical assistance was provided by the State health services. If a person died, the causes of death were established through forensic examination.

17. In centres throughout the country, video and sound recording was used to assess the quality of the medical care provided. The authorities were in the process of creating an electronic register of injuries, and the Office of the Procurator General carried out regular monitoring of compliance with the regulations in force.

18. The compulsory drug and alcohol rehabilitation centres in Belarus were intended to provide for the confinement and treatment of persons who had committed three or more offences linked to alcohol or drug use within a period of one year. Before an individual was placed in such a centre, preventive measures were taken and a comprehensive medical evaluation was carried out to detect any illnesses that would exclude them from being accommodated there. Treatment was provided to inmates by doctors and mental health experts who were more specialized than those working in ordinary centres. No treatment was administered without the patient's consent.

19. **Mr. Shilin** (Belarus) said that, while there was no one article in the legislation of Belarus that defined torture comprehensively, all possible forms of torture and other cruel, inhuman or degrading treatment or punishment were prohibited by various provisions of the Criminal Code. Article 128 of the Criminal Code, to take a prime example, covered offences against the person, including mass harassment or torture, and established universal jurisdiction so that the article applied regardless of where and when the culpable acts in question had been committed. Article 394 established criminal liability for the use of threats and other illegal methods, particularly torture, to coerce a party to proceedings into giving evidence and provided for a penalty of up to 7 years' imprisonment for perpetrators of that crime. Under article 154, entitled "Cruel treatment", acts causing prisoners or persons in custody physical pain or mental anguish were punishable whether the perpetrator was a State employee or an individual acting in another capacity. The deliberate occasioning of grievous bodily harm and less grievous bodily harm was prohibited under articles 147 and 149 respectively. Under article 426, improper exercise of authority by State officials was punishable by up to 10 years' imprisonment and the deprivation of the right to occupy certain posts. Article 131 of the Code of Criminal Procedure stipulated the removal from office of State representatives found guilty of torture.

20. Article 105 of the Code of Criminal Procedure provided that evidence or testimony acquired through a violation of the constitutional rights and freedoms of a citizen had no legal value and could not be used in court. With respect to custody, the Code of Criminal Procedure specified that the procurator's office must receive written notification of all detentions within 24 hours and provided a broad range of rights for detainees. Individuals taken into custody had the right to inform their relatives of where they were being held, to consult with a lawyer in private as soon as the detention order was issued and to be questioned in the presence of a lawyer within 24 hours of the detention. They also had the right to appeal against their detention. Articles 126 and 127 of the Code of Criminal Procedure specified maximum periods of detention and arbitrary renewals were not permitted. Requests for detention in custody were subject to approval by the procurator and, if refused, could be resubmitted only if new evidence came to light.

21. The independence of the judiciary had been strengthened by a new Code on the Judicial System and the Status of Judges which had eliminated the courts' remaining dependence on the Ministry of Justice for funding, administration or human resources. Appeals against disciplinary measures imposed on judges were governed by the Code and could be lodged with the Chair of the Supreme Court. Appeals against decisions taken by the Chair could be brought to the presidium of that Court.

22. Turning to the question raised concerning the replacement of judges on leave, he said that it was true that judges could temporarily be substituted by retired judges, but there was no automatic appointment; the nomination of judges followed a strict procedure in accordance with article 81 of the Code. The Code of Criminal Procedure, too, stipulated that if members of a court changed, the review of criminal cases must start anew to ensure

impartiality. In line with a recently amended law, lawyers in Belarus were independent, self-regulating and self-financing and must adhere to the principle of client-attorney confidentiality. Judicial qualification commissions that dealt with the work of the bar consisted of eight lawyers in order to protect the interests of members of the legal profession.

23. In relation to violence against children, article 32 of the Constitution provided that parents and guardians had an obligation to protect the health of the children in their care. Likewise, the Criminal Code and a long list of other laws and regulations criminalized the mistreatment of children. Article 9 of Act No. 2570-XII of 1993 stipulated that the State protected children from all forms of exploitation, violence and humiliating or cruel treatment.

24. **Mr. Ambrazevich** (Belarus) said that, although Belarus did not currently have a national human rights institution or ombudsman that operated in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights, it had a highly developed system of State institutions which protected and promoted all categories of human rights. In addition, the Government was continuing to look into establishing a national human rights institution and had recently held an international seminar in coordination with the United Nations Children's Fund on the functioning of children's ombudsman institutions. Like approximately half of the United Nations Member States, Belarus had not made a standing invitation to the special procedures of the Human Rights Council and it was under no legal obligation to do so. However, in 2009 and 2013, the country had extended a standing invitation to nine special procedures mandate holders. In 2014, it had sent an invitation to the Special Rapporteur on freedom of religion or belief.

25. With regard to the case of Mr. Sannikov, his Government considered that the complainant had not exhausted all available domestic remedies as required by article 2 of the Optional Protocol to the International Covenant on Civil and Political Rights. In particular, the court ruling had not been challenged by the Office of the Procurator General. In Belarus, as in most Member States, there was no mechanism for communications to be submitted to the Human Rights Committee. Furthermore, although the Human Rights Committee itself considered its conclusions to be authoritative, Belarus considered any decisions on such communications to be devoid of all legal force. However, Belarus was continuing to study practices in relation to reporting to human rights treaty bodies and would hold a training course on that matter in collaboration with OHCHR in June 2018.

26. The death penalty, which, he pointed out, was not prohibited under international law, was only applied for the most serious of offences, such as aggravated homicide. Moreover, certain offenders, such as women, juveniles and men over 65 years of age, were excluded from that form of punishment. Amendments to the Criminal Code, made in January 2016, had reduced the number of offences for which the death penalty could be applied and allowed for the use of alternative forms of punishment through, among other initiatives, plea bargaining. A parliamentary working group had been set up to examine the use of the death penalty and participate in relevant public events. It had, for instance, taken part in international conferences and round-table discussions on the abolition of the death penalty, including several organized by the Council of Europe, the most recent of which had been held in Minsk in April 2018; it had also conducted a visit to the United Kingdom to learn from its experience of ending the use of that form of punishment. Several international experts had also visited Belarus to assess its use of the death penalty and gauge public opinion on its possible abolition. A recent survey on the subject had served to show that public opinion was indeed changing: around 51 per cent of respondents had been in favour of the death penalty, down from 53 per cent in a previous poll. The Government would therefore continue to monitor the situation.

27. **Ms. Racu** (Country Rapporteur), while welcoming the replies so far provided, said that a number of the questions she had raised at the 1623rd meeting (CAT/C/SR.1623) remained unanswered. Specifically, she wished to know whether the State party intended to define torture as a separate offence in line with article 1 of the Convention, what specific measures it had taken to publicly condemn the use of torture, and whether acts of torture were appropriately punished with penalties commensurate with the gravity of the offence.

In addition, information about the monitoring commissions responsible for visiting places of deprivation of liberty would be useful, in particular regarding their composition, the criteria used for appointing members and the extent to which they were independent of the Ministry of Justice. Moreover, she wondered whether members of those commissions had the right to: conduct private interviews with persons deprived of their liberty; document their visits to detention facilities, including by taking photographs or making video recordings; publish reports of their findings; and make recommendations to the places of detention in question, including to psychiatric institutions. It would also be helpful to know whether those commissions had access to police custody facilities.

28. She asked whether steps had been taken to ensure that medical examinations of persons taken into police custody were confidential and whether health-care professionals working in places of detention were trained on the detection of signs of torture and ill-treatment in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). In that regard, she would be interested to know how many medical reports documenting signs of the ill-treatment or torture of detained persons had been referred to the Investigative Committee and how many of those had led to investigations, prosecutions and convictions. Notwithstanding the commendable efforts made by the State party to combat overcrowding, including through the construction of new detention facilities, the Committee remained concerned about the poor conditions and high rate of overcrowding in places of detention, including in police cells, and the cell space provided per prisoner, which fell far below international standards. In that connection, she wondered how many persons were currently detained in the country's compulsory drug and alcohol rehabilitation centres, whether there were plans to phase out the use of those centres and whether the delegation could provide more details of the construction of various temporary holding facilities. She would also appreciate information on the measures that were envisaged by the State party to reduce violence among prisoners, including sexual violence, which was often perpetrated against homosexual inmates, curtail the influence wielded by criminal leaders in prison, prevent deaths in custody and investigate such incidents when they occurred. In that regard, she wondered what could account for the low number of investigations into deaths in custody and whether the delegation could provide an update on any cases that were under way, including the case of Ihar Barbaschynski, who had been a victim of police brutality. Lastly, information on the number of prisoners currently on death row and the measures taken to improve their living conditions, and on the general situation of migrants and asylum seekers in the State party, would also be gratefully received.

29. **Ms. Gaer** (Country Rapporteur) said that she would take the opportunity to reiterate several questions to which she had yet to receive an answer. Referring to paragraph 171 of the State party's report (CAT/C/BLR/5), on investigations of alleged acts of torture committed by public officials, she wished to know what was the status of the two cases that had been under preliminary investigation when the report had been submitted, whether any officials had been prosecuted under article 462 (3) of the Criminal Code during the reporting period and, if so, what the outcome of those prosecutions had been. Similarly, she would like to know how many complaints of ill-treatment and torture at the hands of internal affairs officers had been made to the Investigating Committee in the same period and, of those, how many had led to investigations, prosecutions and convictions. She wondered whether it was true that the Government intended to repeal article 193 (1) of the Criminal Code, which prohibited participation in the activities of unregistered non-governmental organizations (NGOs); if so, that would be a very positive development. She would welcome more information in that regard, including whether a specific timeline for the repeal of that provision had been set.

30. While noting that certain judicial powers had been transferred from the Ministry of Justice to the Supreme Court, she said that the Committee still remained concerned about the control wielded over the judiciary by the executive branch. She wondered whether additional steps were therefore envisioned to further strengthen the independence of the judiciary, in particular regarding judicial appointments, dismissals and disciplinary procedures. She likewise wondered what was being done to ensure the independence of lawyers and bar associations, which were, in practice, subordinate to the Ministry of Justice. She recalled that the United Nations Special Rapporteur on the situation of human rights in

Belarus had reported irregularities in the trial of Oleg Volchek, a human rights activist who had stood accused of participating in a public demonstration. Specifically, the independence of the judge had been called into question; despite Mr. Volchek's collapse during the proceedings, the judge had continued with the trial, sentencing him in absentia. Were there any plans to review the case?

31. She would welcome an update on the status of certain specific cases, including, among others, those involving: Mikhail Zhamchuzhny and Dzmitry Paliyenka, who had allegedly been arbitrarily detained and subjected to acts amounting to ill-treatment and even torture; and Alyaksandr Korzhych and Artem Bastyuk, who had died as a result of hazing in the Belarusian military. She noted that several cases of abuse of authority by military personnel had been dismissed owing to a lack of evidence — although a number of personnel had been relieved of duty — and she wondered whether any member of the military had, in fact, been convicted for hazing during the reporting period. While the State party did not consider the Human Rights Committee's decisions to be legally binding, she would nevertheless appreciate information on the steps taken to implement its recommendations in the case of Ales Bialiatski, including expunging his criminal conviction, providing him with appropriate compensation and reinstating the Viasna Human Rights Centre, which he had headed. She would appreciate further information on the investigations into allegations of torture made by, among others, Andrei Sannikov. She found it hard to believe the State party's contention that Mr. Sannikov had not made any allegations of torture to the national complaints mechanisms; the Human Rights Committee had provided a detailed account of his numerous attempts to file official complaints. In that light, she wondered what steps were being taken to ensure that complaints mechanisms were truly independent and thus avoid the occurrence of similar cases in the future. Details of the efforts made to investigate and bring to justice those responsible for ordering the disappearance of Viktor Gonchar, Anatoly Krasovsky, Yury Zakharenko and Dmitry Zavadsky would also be appreciated.

32. She wished to know what measures were envisaged by the State party to ensure that public officials found to have harassed human rights defenders or journalists were appropriately disciplined; whether prison staff alleged to have committed acts of torture or ill-treatment were suspended during the investigation of the complaint and, if so, whether specific examples and data could be provided in that respect. Lastly, she asked whether there were plans to strengthen the independence of the Investigative Committee and increase the effectiveness of its investigations into claims of torture and ill-treatment by officials, including by establishing a specialist unit for the investigation of acts of torture, what was being done by the Government to ensure that monitoring committees visiting places of detention had unfettered access to the entire facility and whether any investigations had been launched following testimony given in court by defendants alleging that their confessions had been coerced. Updated data on any measures of redress for deaths occurring in custody would also be appreciated.

33. **Mr. Touzé**, referring to the delegation's reply regarding the death penalty, said that capital punishment could not be described as exceptional when no fewer than 13 different offences carried that penalty. Nor was it accurate to state that the death penalty was not banned under international law; a number of protocols to the major international and regional conventions included specific prohibitions. Rather, the fact was that Belarus — the only European country to still carry out executions — had refused to ratify the relevant instruments. Furthermore, there was consensus that the instruments banning torture should be understood as also banning all acts likely to cause physical or psychological harm. It was widely recognized in the jurisprudence of the Committee against Torture, the Human Rights Committee and the regional human rights courts that persons who were sentenced to death suffered such harm, as did their relatives. Accordingly, he wished to know what tangible steps would be taken in the short-term to put an end to those situations.

34. **Mr. Rodríguez-Pinzón** asked whether officials who were suspected of committing torture could be suspended for the duration of the investigations in question and, if so, how many had been.

35. **Mr. Hani** said that he would appreciate a response to his questions regarding the committal of Igor Postnov and Alexander Lapitsky and an explanation of how article 15 of the Mental Health Care Act of 7 January 2012 was applied in practice.

36. **Ms. Belmir** said that she had not received a reply to her questions about the replacement of judges who went on leave, the separation between the judiciary and the executive and the lack of an obligation for police officers to wear a badge. In addition, she would appreciate further information on the four individuals who had been executed while their cases had been pending before the Human Rights Committee, the case of a minor who had been imprisoned despite having a mental illness and the practice of imposing fines rather than prison sentences as a means of confiscating people's assets.

*The meeting was suspended at 5.20 p.m. and resumed at 5.30 p.m.*

37. **Ms. Baturytskaya** (Belarus) said that an array of international, regional and national non-governmental organizations had access to places of deprivation of liberty, as did members of civil society and representatives from religious organizations who were not part of the public oversight commissions. Voluntary associations had entered into close cooperation with the penal system: in 2017, more than 30 such associations had been offered access to places of detention, such as national human rights organizations, the Belarusian Red Cross, Mothers against Violence, the Youth Union and the central alcoholism treatment service. Consular staff had unfettered access to the approximately 1,000 foreign nationals detained in Belarus. The legislation on the enforcement of penalties was based on the principle of the equality of all convicted persons before the law. Thus, sentences were served under equal conditions, irrespective of the offence or the offender's political convictions. Mikhail Zhamchuzhny had been subject to disciplinary action on several occasions while serving his sentence at correctional colony No. 9 in Horki; he had not been prevented from appealing against any of the decisions in those cases and four court rulings had confirmed the lawfulness of the actions taken against him by the colony administration. Another appeal would be considered in early May. Dzmitry Paliyenka had been in quarantine at correctional colony No. 2 in Babruisk and had been seen by a doctor several times during that period. After a stay in a State hospital, he had returned to the colony and was deemed fit to work.

38. **Ms. Bohdan** (Belarus) said that committal to psychiatric institutions was based on a clinical diagnosis, not on a patient's rejection of society's generally accepted moral, cultural or religious values. Psychosocial disorders were diagnosed by a committee made up of at least three experts who took into account the patient's symptoms, degree of social integration, ability to follow a treatment regimen and the level of risk posed, while decisions on involuntary committal were taken by the court. She was not at liberty to disclose medical information about Mr. Postnov and Mr. Lapitsky; however, their psychiatric assessments had been upheld by the court psychiatric board or by an eminent professor of psychiatry. Furthermore, their treatment had been reviewed several times by the Ministry of Health. During his entire hospitalization, Mr. Postnov had been permitted to communicate with the outside world and receive visitors; his check-ups were now being conducted at his home and he was still practising as an addiction specialist. A plan on hospitalization and the administration of medication had been developed in 2017 and would be reviewed on an annual basis. Heart disease and cancer were the main cause of death in custody.

39. **Mr. Shilin** (Belarus) said that article 193 (1) of the Criminal Code on unregistered voluntary associations would indeed be repealed as part of a review soon to be debated in parliament.

40. **Ms. Vasilevskaya** (Belarus) said that administrative liability in cases of assault and the infliction of physical or emotional pain on family members had been introduced to the law in 2015. Progress had been achieved in the prosecution of cases of domestic violence, as attested to by the great number of penalties, namely fines and administrative detention, which had been imposed by the courts. In addition, the Ministry of Internal Affairs had sought technical assistance from international partners in order to better prevent gender-based violence, especially domestic violence. As a result, a separate law on the prevention of domestic violence would be drafted.

41. **Mr. Pisarevich** (Belarus) said that it was inaccurate to say that the problem of human trafficking had not improved. Belarus was recognized as a leader in the fight against trafficking at both the international and national levels and shared its expertise with other countries, including in the Middle East. In addition, Belarus worked closely with OHCHR to take a rights-based approach to combating trafficking. Laws had been adopted in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and mechanisms had been set up to identify victims and provide them with rehabilitation. Most of the identified cases were of trafficking for the purposes of prostitution. In 2017, law enforcement agencies had shut down 15 routes into 5 countries. Of the over 130 victims subsequently identified, more than 30 were minors. Efforts to address the root causes of trafficking included the introduction of a licensing system for modelling agencies, tour operators and companies that helped Belarusians find work abroad. Regarding migrants, there were three open centres for refugees, each with a capacity of nearly 70, which met the demand for temporary housing in the country. The migration authorities had strong ties with the International Organization for Migration.

42. **Mr. Ambrazevich** (Belarus) said that major efforts had been under way to guarantee the independence of the judiciary, which now managed its activities autonomously. Substantial renovation work had been carried out in 18 temporary holding centres, while 3 centres had been closed down. The Government's attachment to the rights of wrongfully detained persons was evident in the redress awarded in recent cases.

43. Belarus condemned any use or threat of the use of torture. The Convention was fully reflected in domestic law and perpetrators were appropriately punished. He was grateful for the Committee's thorough study of the situation in Belarus and looked forward to the concluding observations, which would inform the national action plan on human rights and would be taken into account in relevant programmes and measures.

*The meeting rose at 6 p.m.*

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# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Sixty-third session**

**Summary record of the 1627th meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 1 May 2018, at 10 a.m.

*Chair:* Mr. Modvig

## Contents

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

*Third periodic report of Qatar*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** (*continued*)

*Third periodic report of Qatar* (CAT/C/QAT/3 and CAT/C/QAT/QPR/3)

1. *At the invitation of the Chair, the delegation of Qatar took places at the Committee table.*

2. **Mr. Al-Hamadi** (Qatar) said that Qatar appreciated the Committee's work in supporting States parties in their efforts to uphold their commitments under the Convention. The third periodic report of Qatar had been the result of coordination and cooperation between a wide range of stakeholders in the country, including the National Human Rights Institution, the Prosecutor General and a number of government ministries.

3. Acts of torture were prohibited in the Constitution and the Criminal Code, and the Government was committed to protecting all individuals from cruel, inhuman or degrading treatment. Specific bodies were empowered to receive complaints against officials and initiate investigations of them. Pursuant to article 3 of the Convention, the authorities did not return individuals to other countries if there was a possibility that they would be at risk of torture.

4. As part of a series of measures designed to safeguard human rights, the Government had introduced the Qatar National Vision 2030 strategy and the national development strategies for 2011–2016 and 2017–2022. Reflecting the importance Qatar placed on international human rights instruments, on 14 March 2018 the Council of Ministers had agreed to accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In a bid to provide enhanced protection and access to legal remedies for foreign workers who were present in the country legally, the Government had instituted core legal reforms, including Act No. 21 of 2015 regulating the entry and departure of foreign nationals and Act No. 15 of 2017 on domestic workers, the text of which drew on the International Labour Organization Domestic Workers Convention, 2011 (No. 189). In 2017, the Council of Ministers had endorsed the establishment of a national committee to draw up the National Human Rights Plan. Pursuant to the Council's resolution No. 15 of 2017, a national committee had been set up to combat human trafficking. Qatar was committed to becoming an effective development donor and had allocated 14 billion Qatari riyals to development assistance between 2012 and 2016.

5. Since 5 June 2017, Qatar had faced a unilateral blockade by a number of countries in the region. In that connection, the National Human Rights Committee had recorded 3,970 complaints of human rights violations in connection with such issues as freedom of movement, employment, education, religious freedom and separation of families. It was astonishing that such violations were being committed by countries that were themselves parties to core international human rights instruments. A number of United Nations special rapporteurs had sent official communiqués to countries involved in the blockade, highlighting the violations and asking them to bring the situation to an end. Following its visit in November 2017, a technical mission from the Office of the United Nations High Commissioner for Human Rights had issued a report containing a systematic analysis of the violations resulting from the blockade. The report had found that the blockade constituted unilateral coercive measures as defined by the Human Rights Council Advisory Committee.

6. **Mr. Hani** (Country Rapporteur) said that, while the Committee welcomed the State party's accession to two additional international human rights instruments, it remained concerned about the State party's partial reservations to articles 1 and 16 of the Convention. It was unclear why the State party had entered those reservations given its moral commitment to upholding human rights. Following the State party's withdrawal of its reservations to articles 21 and 22 of the Convention regarding the Committee's complaints procedure, he wished to know whether the authorities had lodged instruments of accession pursuant to the relevant procedures. It would be helpful to learn whether the State party intended to ratify the Optional Protocol to the Convention. He would appreciate an update on the State party's cooperation with the Working Group on Arbitrary Detention.

7. Although the Constitution and a number of other texts criminalized torture, there was no explicit mention of the absolute prohibition on torture in the legislation in force in the State party. Moreover, the Criminal Code allowed for public officials to invoke the orders of a superior officer as justification for acts of torture. He would welcome the delegation's comments on whether the State party had any plans to review its legislation in that regard. It would be useful to learn whether the authorities intended to amend the law to exclude torture from the list of offences that qualified for reduced sentences under certain circumstances. Further information would be welcome on how courts implemented in practice the 30-day time limit for reporting acts of torture. Given that fraud and misuse of public funds were already exempt from the 10-year statute of limitations applicable to most offences, he wished to learn whether the Government intended to extend the list of exemptions to include offences relating to torture.

8. The Committee remained concerned that the legislation relating to offences involving acts of torture could not be applied retroactively to events that had taken place before the relevant provisions had entered into force. Double standards existed for some offences, given that article 1 of the Criminal Code established that Islamic law should be applied when the perpetrator of a hudud offence was a Muslim. With regard to the penalties of flogging, stoning and hand amputation, he wished to hear about the steps the State party would take to replace such corporal punishments with alternatives acceptable under international law, such as fines and custodial sentences. It would be helpful to receive statistics regarding the application of corporal punishments. It was unclear whether hudud offences were tried in civil or religious courts.

9. Noting that, under the Code of Criminal Procedure, other than in cases of *flagrante delicto*, the accused could be questioned only if the lawyer had been invited to attend, assuming one had been appointed. The implication was that the appointment of a lawyer was not obligatory: could the delegation clarify that point? In addition, he would like to know whether the lawyer's presence was sufficient or whether the lawyer was allowed to help defend the accused.

10. He would like to know how the State party guaranteed detained foreigners' right to receive information in a language they understood and their right of access to consular services. He would also appreciate clarification of the maximum period of solitary confinement in penal institutions and of the provisions for supervision of solitary confinement.

11. According to information received from the National Human Rights Committee, the proportion of Qatari nationals in pretrial detention who were subsequently released outweighed the proportion of foreigners detained and subsequently released by a factor of 10. He would appreciate an explanation of the disparity, as well as of the ways in which legal safeguards for detained foreigners were guaranteed. He wondered whether the State party had identified any violations in respect of repeated extensions of the permitted periods of pretrial detention. He would appreciate specific figures and statistics on cases of that kind.

12. Qatari law comprised a range of legal safeguards for accused persons, but there was also provision for numerous exceptions, including permanent derogations. For offences falling under the State Security Agency Act , for example, the time frame for bringing the accused before a prosecutor was within 30 days of arrest, which amounted to a de facto extension of the period stipulated in the Code of Criminal Procedure, while the head of the State Security Agency could prevent a person from leaving the country for up to 30 days, a period which could be extended indefinitely.

13. Such provisions contradicted the safeguards provided for in Qatari law. Exceptions of a similar nature applied with respect to terrorist offences and offences falling under the jurisdiction of the Military Intelligence Agency, and extremely lengthy or even indefinite periods of detention were possible for offences under the Protection of Society Act or by special order of the Head of State under states of emergency.

14. The Committee had recommended the amendment of those provisions in its previous concluding observations. He would like to know what steps had been taken to review the exceptions to legal safeguards that left the door open to ill-treatment and torture.

15. In 2016, the Working Group on Arbitrary Detention had found that Mohammed Rashid Hassan Nasser Al-Ajami, a poet, also known as Ibn al-Dheeb, had been subjected to arbitrary detention and had not received a fair trial. He understood that Mr. Al-Ajami had been released but he would like to know what the State party had done to deal with the underlying reasons for the arbitrary detention, for example by introducing legislative amendments.

16. He requested an update from the delegation on several cases: a Filipino national who had been detained recently and several Qatari nationals, Mr. Mansoor Al Mansoori, Mr. Mohammed Al Musa'ab, Mr. Abdul Rahman Omeir al-Naimi and Mr. Hamad Al Merri.

17. He would appreciate receiving some statistical data on external monitoring of places of detention. Did all places of deprivation of liberty apply all the required legal guarantees? He would like to know what steps were taken to implement the recommendations of the National Human Rights Committee regarding conditions of detention. He asked what provision there was for the local office of the Office of the United Nations High Commissioner on Human Rights (OHCHR) to inspect places of detention.

18. With regard to protection of foreign workers, he said that, according to reliable reports, including from the International Labour Organization (ILO), the new contractual system was not very different from the "*kafāla*" or sponsorship system it had replaced. He would appreciate a description of the differences between the two systems. Moreover, the National Human Rights Committee had reported arrests of migrant workers whose permits had not been renewed by agencies or employers, and who thus found themselves in a temporarily illegal situation. He asked the delegation to provide figures for foreigners detained under such circumstances.

19. Turning to the principle of non-refoulement, he asked whether the State party intended to incorporate article 3 of the Convention into its legislation on extradition. Noting that, under Qatari law, extradition was not permitted for political offences or where the subject was a political refugee at the time when the request for extradition was made, he said that the State party appeared to have violated article 3 and its own legal provisions in the cases of Mr. Mohammed Al Haqqi, a Yemeni national who had been extradited despite being the target of threats, and Mr. Al Otaibi, who had been extradited despite his status of political refugee and the fact that he had been on his way to a third country. All the fears expressed by Mr. Otaibi had been realized after extradition to Saudi Arabia. He would welcome clarification of those two cases. More generally, he would appreciate receiving statistics on the number of extradition requests received and the number of requests turned down on the basis of article 3 of the Convention.

20. He wondered whether the State party intended to ratify the 1951 Convention relating to the Status of Refugees.

21. Certain provisions of Qatari law were conducive to violations of article 3 of the Convention, such as the provision of the Criminal Code stating that the Code did not cover offences committed on board foreign ships or aircraft passing through or present in the territory of the state, unless they represented a threat to public security. In the context of counter-terrorist measures, that opened the door to the use of Qatari airspace for illegal rendition of suspects, as had allegedly occurred, according to certain NGOs, after the 11 September 2001 attacks on the United States.

22. Qatar claimed universal jurisdiction over offences committed outside the country that threatened State security or involved falsification of documents, stamps or currency, as well as certain offences relating to trafficking, piracy and terrorism. It did not, however, exercise universal jurisdiction in respect of the crime of torture. In its opening statement, the delegation had professed a commitment to protect individuals from torture, but such protection was not possible if perpetrators could not be prosecuted. He would therefore like to know what steps the State party was taking to amend its legislation in order to enable it to exercise universal jurisdiction in respect of crimes of torture, in accordance with article 5 of the Convention.

23. Lastly, he asked whether the State party intended to amend its bilateral agreements on extradition or judicial cooperation that were not compatible with the Convention, and

particularly with article 3 of the Convention, and to include the offence of torture in its extradition agreements.

24. **Ms. Belmir** said that, according to the State party's report, the latest version of the regulations on penal and corrective institutions made no mention of disciplinary flogging. Yet minors over the age of 16 could be sentenced to flogging. The situation was far from clear, and she would appreciate clarification, particularly in the context of the State party's somewhat problematic general reservation to article 16 of the Convention, on acts of cruel, inhuman or degrading treatment or punishment not amounting to torture.

25. Regarding the powers of the judiciary, the 2014 report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/29/26/Add.1) had raised concerns regarding limitations to the jurisdiction of the courts. According to article 13 of the Law on the Judicial Authority, courts had no competence over issues related to sovereignty and nationality. A significant number of areas, including the entry, residence and deportation of foreigners, were excluded from the competence of the courts. Additionally, the guarantees provided by the Code of Criminal Procedure against arbitrary arrest and detention did not apply to persons arrested under certain specific Acts, which resulted in the detention of persons for lengthy periods of time without charge and fundamental safeguards. She would like comments in that regard and asked what the rationale had been behind the formulation of those Acts providing for exceptions to the Code of Criminal Procedure. Would the delegation also comment on the exceptional provisions under Act No. 5 of 2003 on the state security agency for unacceptably lengthy periods of pretrial detention that could be renewed by a decision of the Ministry of the Interior, and on the noteworthy rejection in 2011 by the Advisory Council of the Ministry of the Interior's proposal to extend pretrial detention to up to three years?

*The meeting was suspended at 11.35 a.m. and resumed at 11.45 a.m.*

26. **Ms. Belmir**, turning to article 10, requested details of the methodology used to assess the effectiveness of the educational and training programmes provided for all officials dealing with persons deprived of their liberty, the impact of the training activities on the participants, and the manner in which the training contributed to the implementation of the Convention in the State party.

27. In relation with article 11, while the Code of Criminal Procedure set out fundamental legal safeguards, including thorough and impartial investigations into complaints submitted by detainees, the Acts providing for exceptions to the Code of Criminal Procedure essentially permitted incommunicado detention without those safeguards in law and practice. That decisions regarding detentions were taken by the Ministry of the Interior without the opinion of the court was a matter of concern. Equally concerning was the fact that appeals made under Act No. 3 of 2004 on combating terrorism (one of the Acts setting out exceptions to the Code of Criminal Procedure) were submitted to the same entity that had issued the decision on detention, thereby essentially invalidating the appeals. Under that Act, persons were held on state security premises, outside the scope of monitoring by the public prosecutor. She asked whether reports were true that the National Human Rights Committee had been refused entry to places of detention to carry out inspections on several occasions. Given that the lack of fundamental legal safeguards in solitary confinement and certain conditions of detention, including the transfer of prisoners, and the failure to conduct impartial investigations into complaints exacerbated the risk of acts of ill-treatment and torture, and amounted to incommunicado detention, she asked what measures the State party was taking to prevent incommunicado and arbitrary detention. She would like further information on the renowned cases of arbitrary detentions of Mr. Khawar and Mr. al-Kuwari.

28. In the light of reports regarding a lack of independence of the National Human Rights Committee, she asked for details on its composition. Further information would be appreciated concerning the restrictions, deriving from the Acts providing for exceptions to the application of the Code of Criminal Procedure, on the National Human Rights Committee's mandate to conduct inspections and have contact with detainees in places of deprivation of liberty. She asked whether reparation or compensation had been made to Mr. Al-Ajami, who had been released from prison in 2016 by Emiri pardon and whose case had

been followed up by the Working Group on Arbitrary Detention, in its Opinion No. 48/2016 concerning Mohammed Rashid Hassan Nasser Al-Ajami (Qatar) (A/HRC/WGAD/2016/48). She would like further information on efforts to address shortcomings in data collection concerning complaints lodged by detainees relating to the conditions of their detention, investigations into those complaints and the outcomes.

29. Turning to the issue of migrant workers, reports cited that the National Human Rights Committee received complaints from migrant workers concerning their employers' lack of respect for their rights, including the failure to regularize their situation or pay their salaries. She was concerned that migrant workers often faced immediate expulsion or detention owing to their irregular status. Would the delegation comment on the reference in the addendum to the 2007 report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23/Add.2) to the humiliating and degrading treatment to which migrants were subjected, as well as physical and verbal abuse by authorities in police stations and detention centres, for no reason other than that of being migrants? Additional information would be appreciated on legislative amendments made to regularize the status of domestic and migrant workers. She would also like clarification regarding the fact that migrant workers who served prison sentences owing to their employers' failure to regularize their situations attended rehabilitation and reinsertion programmes upon release, instead of obtaining reparation and compensation, considering that they had not committed an offence.

30. She requested detailed data on compensation and reparation granted to victims of ill-treatment or torture committed by public officials during custody, including pretrial detention, and to human rights defenders and journalists subjected to harassment and intimidation by state officials. She would like details concerning the settlement of certain cases that had been presented to the National Human Rights Committee and asked, in that regard, whether the reparation and compensation that had been awarded fell within the scope of article 14 of the Convention, which stipulated that victims of torture must obtain redress and have an enforceable right to fair and adequate compensation, or whether other grounds had been evoked for the granting of compensation. She asked to what extent article 232 of the Code of Criminal Procedure, providing that any statement proved to have been obtained as a result of torture could not be relied upon, was respected by judicial officials to ensure that proceedings were not brought on the basis of any such statements.

31. She would like updated information regarding the cases of Ronaldo Lopez Ulep, a Filipino man and former civilian employee of the Qatari Air Force, who had been sentenced to life in prison after being convicted of spying, and his two fellow Filipino co-workers, who had been imprisoned and sentenced to the death penalty on the basis of confessions reportedly obtained by torture. She would also appreciate detailed information regarding the efforts made to identify, prosecute and sanction the perpetrators of violations against human rights defenders and the steps taken to investigate complaints of ill-treatment and violence against detainees in prisons, particularly women and other vulnerable categories of prisoner such as migrant workers.

32. Concerning the juvenile justice system, she expressed concern that children aged 16 and older were treated in the same manner as adults and were subject to harsh sentences such as life imprisonment or flogging. She wished to know what steps would be taken to ensure the full implementation of international juvenile justice standards and to raise the minimum age of criminal responsibility, which currently stood at 7 years.

33. Regarding access to fundamental legal safeguards, she wished to know what efforts had been made to uphold the right to a fair trial and guarantee humane conditions of detention for all categories of person, particularly women and migrant workers. Further information on the steps taken to hold women and men detainees separately would also be welcome. What measures had been adopted to tackle the institutionalized gender discrimination within the administration of justice?

34. **Mr. Tuzmukhamedov** asked whether the State party intended to amend article 159 of the Criminal Code that provided for the death penalty for certain offences and to limit the number of offences punishable by life imprisonment. He also wished to know whether any prisoners sentenced to the death penalty had been executed during the reporting period,

and if so, what methods of execution had been used. Lastly, he asked whether corporal punishment had been explicitly prohibited under civil law, and if so, whether the same applied under sharia law. It would be particularly interesting to know how conflicts between the two systems of law on that subject were resolved.

35. **Mr. Rodríguez-Pinzón** said that he would like to know what efforts had been made to uphold the fundamental legal rights of detained migrant workers and ensure that they had access to legal assistance and consular services.

36. **Ms. Gaer**, welcoming the State party's withdrawal of its reservations to articles 21 and 22 of the Convention, said that she would like to know whether Qatar had recognized the competence of other treaty bodies to receive and consider communications from individuals and other States parties concerning potential international treaty obligations violations. Noting the lack of disaggregated data contained in the report, she requested detailed statistics on the number of complaints of torture and ill-treatment submitted during the reporting period and any related investigations, prosecutions, penal and disciplinary sanctions applied. Further information regarding the number of requests made for redress and compensation, the number granted, the amount of compensation ordered and the amount provided in each case would also be welcome. It would be particularly useful to know whether the Government systematically collected data on violence against women and girls, disaggregated by age and the relationship between the victim and the perpetrator. How many women and child victims of violence had been offered support and rehabilitation by the Protection and Social Rehabilitation Centre? She would also appreciate data, disaggregated by the age and ethnicity of victims, on the number of complaints, investigations, prosecutions, convictions and sentences handed down in cases of gender-based violence and human trafficking since the consideration of the second periodic report of Qatar in 2012, including data on the cases registered and monitored by the Qatar Foundation for the Protection of Women and Children. Lastly, she wished to know how many of the workers' complaints contained in paragraph 214 of the report related to torture or ill-treatment and what specific measures had been adopted to monitor the employment conditions of migrant workers in the State party.

37. **Ms. Racu** said that she would appreciate further information regarding efforts to improve the detention conditions at the Deportation Detention Centre near Doha, particularly in relation to reducing overcrowding.

38. **The Chair** asked what measures had been adopted to ensure that detainees had the right to be examined by an independent doctor trained in identifying and documenting signs of torture or ill-treatment upon their request, and what mechanisms had been made available for doctors to report injuries of that kind. How many cases of torture or ill-treatment had been investigated and brought before the courts following the submission of supporting medical evidence?

39. **Mr. Hani**, noting that article 92 of the Criminal Code granted courts the discretion to commute sentences, asked what steps had been taken to establish minimum sentences under article 159 bis of the Criminal Code and ensure that persons acting in an official capacity who used torture or instigated, agreed or consented to torture another person were prosecuted and punished accordingly. He also wished to know what efforts had been made to implement the recommendations of the former Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela Knaul, notably by extending State legal aid to migrant workers and making the Supreme Constitutional Court established in 2008 operational. It would be particularly interesting to know what measures had been adopted to guarantee the independence of the Office of the Public Prosecutor.

40. In the light of the recent steps to strengthen the system of rehabilitation for particularly vulnerable victims of ill-treatment, he wondered whether the State party intended to make additional contributions to the United Nations Voluntary Fund for Victims of Torture. Lastly, he wished to know what action had been taken to monitor the living conditions in all places used for deprivation of liberty regularly, particularly psychiatric facilities.

41. **Ms. Belmir** asked what steps had been taken to introduce a code of ethics for judges and guarantee the independence of non-Qatari judges. She would also appreciate further clarification of the 2003 Act on Judicial Authority, which provided for the dismissal of judges by resolution of the Emir for reasons in the public interest.

*The meeting rose at 1 p.m.*